

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
JULY 5, 2005
7:00 P.M.**

ROLLCALL Answering rollcall were Members Hulbert, Masica, Swenson and Mayor Hovland.

CONSENT AGENDA ITEMS APPROVED Motion made by Member Hulbert and seconded by Member Swenson approving the Council Consent Agenda as presented with the exception of Agenda Item IV.A. 800 MHz Radio Enhancement System for Southdale Center; Agenda Item IV.B. Well No. 2 Casing Pipe Renovation: Contract No. PW 05-3, Improvement No. WM-450; and Agenda Item IV.C. 2005 Mill and Overlay Project: Contract No. Eng 05-2, Improvement Nos. A-219, A-220, A-221, and B-101.

Rollcall:

Ayes: Hulbert, Masica, Swenson, Hovland

Motion carried.

***MINUTES OF THE REGULAR MEETING OF JUNE 21, 2005, APPROVED** Motion made by Member Hulbert and seconded by Member Swenson, approving the Minutes of the Regular Meeting of the Edina City Council for June 21, 2005.

Motion carried on rollcall vote – four ayes.

***RESOLUTION NO. 2005-55 APPROVED – 5313-5315 MALIBU DRIVE (MARK HORNIG)** Motion made by Member Hulbert and seconded by Member Swenson introducing the following resolution and moving its adoption:

**RESOLUTION NO. 2005-55
APPROVING A LOT DIVISION FOR
5313-5315 MALIBU DRIVE**

WHEREAS, the following described properties are at present one tract of land:
Lots 6, Block 3, Parkwood Knolls 15th Addition, Hennepin County, Minnesota.

WHEREAS, the owner has requested the subdivision of said tract into separate parcels (herein called “parcels”) described as follows:

PARCEL A: That part of Lot 6, Block 3, Parkwood Knolls 15th Addition, Hennepin County, Minnesota, lying Northerly of the following described line: Commencing at the Northwest corner of said Lot 6; thence Southerly along the Westerly line of said Lot 6 a distance of 59.10 feet to the point of beginning of the line to be described; thence Easterly to a point on the East line of said Lot 6, said point distant 59.46 feet South of the Northeast corner of said Lot 6 and said line there terminating.

PARCEL B: That part of Lot 6, Block 3, Parkwood Knolls 15th Addition, Hennepin County, Minnesota, lying Southerly of the following described line: Commencing at the Northwest corner of said Lot 6; thence Southerly along the Westerly line of said Lot 6 a distance of 59.10 feet to the point of beginning of the line to be described; thence Easterly to a point on the East line of said Lot 6, said point

distant 59.46 feet South of the Northeast corner of said Lot 6 and said line there terminating

WHEREAS, the requested subdivision is authorized under Code Section 810 and it has been determined that compliance with the Subdivision and Zoning Regulations of the City of Edina will create an unnecessary hardship and said newly created Parcels as separate tracts of land do not interfere with the Subdivision and Zoning Regulations as contained in the Edina City Code Sections 810 and 850;

NOW, THEREFORE, it is hereby resolved by the City Council of the City of Edina that the conveyance and ownership of the above described tracts of land (PARCEL A and PARCEL B) as separate tracts of land are hereby approved and the requirements and provisions of Code Sections 850 and 810 are hereby waived to allow said division and conveyance thereof as separate tracts of land but only to the extent permitted under Code Sections 810 and 850 subject to the limitations set out in Code Section 850 and said Ordinances are now waived for any other purpose or as to any other provisions thereof, and further subject, however, to the provision that no further subdivision be made of said Parcels unless made in compliance with the pertinent Ordinances of the City of Edina.

Adopted this 5th day of July 2005.

Motion carried on rollcall vote – four ayes.

ORDINANCE NO. 2005-7, GRANTED FIRST READING - AMENDING CODE SECTIONS 805 AND 1225 ALLOWING STUDENT MEMBERS ON THE PLANNING AND TRANSPORTATION COMMISSIONS Manager Hughes stated Member Hulbert asked an ordinance amendment be considered permitting the appointment of a student member to the Transportation and Planning Commission at the Council's June 21, 2005, meeting. He reported that staff found the enacting ordinance for the Transportation Commission allowed for appointment of a student member, however, since that Commission already was full, a student could be appointed when a vacancy occurred.

Mr. Hughes said staff had prepared an ordinance amendment amending Code Section 805 allowing for the appointment of a student member to the Planning Commission. He added the amendment stated the student would not serve on the Zoning Board of Appeals.

Member Swenson said she felt a student member appointed should be someone with some understanding of issues relative to land development. She added she believed a student should be appointed as a non-voting member to limit their being subjected to any undue pressures.

Member Masica agreed with Member Swenson.

Member Hulbert stated she had read with dismay the minutes of the Planning Commission discussion of whether or not a student member should be appointed to the Commission. She stated that given the tone of the discussion, she would not feel comfortable placing a student member in the environment. Member Hulbert took issue with comments and stated she felt the Commissioners should look at a broader focus adding it was all of our responsibility to teach and mentor our youth.

Mayor Hovland stated that he felt personally knowing all concerned that a student would be fine on the Planning Commission. He added he concurred with Members Swenson and Masica that it would be best for the student to be a non-voting member due to the sometimes highly emotional responses to development requests.

Member Masica stated she had similar concerns with a student on the Transportation Commission. Member Hulbert said she thought a student on the Transportation Commission could be voting member. Member Swenson said she would not be as concerned but pointed out that neighborhoods can be very vehement about traffic issues so she would also support the Transportation Commission student position being non-voting. Consensus of the Council was to add a member to the Transportation Commission bringing the total membership to nine with a non-voting student member.

Following a brief discussion of changes to the proposed Ordinance Amendment language, **Member Swenson made a motion seconded by Member Masica to grant first reading to Ordinance No. 2005-7 amending Section 805 of the City Code to allow non-voting student members on the Planning Commission and amending Section 1225 of the City Code to allow non-voting student members on the Transportation Commission.**

Ayes: Hulbert, Masica, Swenson, Hovland

Motion carried.

AWARD OF BID FOR 800 MHZ RADIO IN-BUILDING ENHANCEMENT - SOUTHDALe CENTER Member Swenson asked if it would be possible to get the owner of Southdale Center to contribute to the cost of the 800 MHz Radio in-building enhancement. Police Chief Siitari explained the owners had not indicated a willingness to participate in the enhancement. He added that with the many Public Safety staff engaged in and around the Southdale Center, they felt it in the best interest of the City to proceed with the enhancements. **Member Swenson made a motion for award of bid for 800 MHz Radio In-Building Enhancement for Southdale Center to recommended sole bidder, Andrew Midwest under Hennepin County Cooperative Purchasing Contract #0886-A4-243, at \$62,981.01.** Member Masica seconded the motion.

Ayes: Hulbert, Masica, Swenson, Hovland

Motion carried.

AWARD OF BID FOR WELL NO. 2, CONTRACT NO. PW 05-3, CASING PIPE RENOVATION, IMPROVEMENT NO. WM-450 Member Hulbert asked if the Council could expect that all the City's wells would begin experiencing similar break downs as Well No. 2. Engineer Houle replied that the City videos the casings of their wells regularly and that in 1999 Well No. 2 had been videoed with acceptable results. He pointed out that he was in the process of renovating all the City's wells on a regular schedule, but that having break downs should be expected periodically because that was the nature of the business. **Member Hulbert made a motion for award of bid for Well No. 2. Contract No. PW 05-3, Casing Pipe Renovation, Improvement No. WM-450 to recommended low bidder, Keys Well Drilling Company at \$97,850.00.** Member Swenson seconded the motion.

Ayes: Hulbert, Masica, Swenson, Hovland

Motion carried.

AWARD OF BID FOR 2005 MILL AND OVERLAY PROJECT - CONTRACT NO. ENG 05-2, IMPROVEMENT NOS. A-219, A-220, A-221 and B-101 Member Masica asked for an explanation on the revision of the median endpoints at the Wooddale Avenue and West 50th Street intersection. Mr. Houle explained staff had reviewed the intersection and it was their determination the median extended too far into the intersection. He explained that with the mill and overlay the endpoints of the medians will be slightly shortened increasing safety in the intersection. **Member Masica made a motion for award of bid for the 2005 mill and overlay project - Contract No. Eng 05-2, Improvement Nos. A-219, A-220, A-221, and B-101 to recommended low bidder, Bituminous Roadways, Inc., at \$495,594.00.**

Ayes: Hulbert, Masica, Swenson, Hovland
Motion carried.

***BID AWARDED FOR ONE, ONE TON CHASSIS PICKUP TRUCK - STREET DEPARTMENT** Motion made by Member Hulbert and seconded by Member Swenson for award of bid for one, one ton chassis pickup truck for the Street Department to recommended sole bidder Thane Hawkins Polar Chevrolet under State Contract #433478, at \$22,938.95.

Motion carried on rollcall vote - four ayes.

***BID AWARDED FOR A POTHOLE PATCH BOX FOR PUBLIC WORKS** Motion made by Member Hulbert and seconded by Member Swenson for award of bid for a pothole patch box for Public Works to recommended sole bidder, Rufferidge Johnson Equipment Company under State Contract #434576, at \$42,950.39.

Motion carried on rollcall vote - four ayes.

APPLICATION FOR BICYCLE GRANT APPROVED Mr. Houle indicated at the request of the Council, staff reviewed the feasibility of preparing and submitting an application to obtain Federal funding for a bike pathway paralleling Minnesota Highway 100 through Edina.

Mr. Houle reported staff completed the following items on this proposed bikeway application:

- Attended an informational forum on June 29, 2005, for potential applicants at the Metropolitan Council
- Consulted with SRF Consulting Group, Inc. This was the City's consultant for the application and design of the Interlachen Trail Project
- Sent a letter to Canadian-Pacific Rail (CP Rail) requesting a meeting and comments on the project
- Consulted with Three Rivers Park District regarding application process and partnership opportunities.

Mr. Houle explained funding for the program was administered through the Transportation Advisory Board of the Metropolitan Council. The funding was part of the federal government's reauthorized Transportation Equity Act for the 21st Century.

Mr. Houle stated obtaining funding during this grant cycle was an ambitious undertaking. He said the Canadian-Pacific Rail must grant permission to allow a trail within its right-of-way and preliminary discussions were not promising. Additionally, Three Rivers Park District was not willing to form a partnership with the City for this proposed project as the first tier of its Regional Trail was its current priority.

Director Keprios reported that Jonathan Blainly, the Planning Manager for the Three Rivers Park District, had indicated they would only be interested in building a trail or partnering with the City on a trail project if the rail road right of way was abandoned. Mr. Blainly said their first priority for Edina was completion of the first tier regional trail east to west.

Mr. Keprios received a message from Eric Holm of the Canadian-Pacific Rail stating they were going to undertake an analysis and then make a decision upon whether a meeting with the City would be necessary.

Member Hulbert reiterated there was a short period of time to apply for the grant before the application closes. Mr. Houle noted that the Metropolitan Council generally looked favorably at projects that have been through the process and were set to progress. He suggested meeting with CP Rail and to spend the time required to complete a feasibility study, and meet with neighbors adjacent to the proposed bikeway. Member Hulbert acknowledged there was a benefit to having finalized plans, but not a huge benefit and stated her desire to have the application completed.

Mayor Hovland said a couple of fund sources were available if a path were designated as recreational in nature or in a commuter category. He inquired whether extensions were ever granted to the application process. Mr. Houle said the last application was completed two years ago in August. Mayor Hovland asked what type of Council action would be required on this proposal. Mr. Hughes responded that staff would need to be directed to process the application. He voiced an obvious concern that the government entity most aligned with the proposal does not support it and owner of the right-of-way appeared to not be receptive to the proposal as well.

Member Swenson made a motion directing staff to pursue an application for a bike pathway along the Canadian-Pacific Railroad, based upon the outcome of Mayor Hovland and Member Hulbert's meeting with Kevin Roggenbuck, Metropolitan Council, And Transportation Advisory Board Coordinator. Member Hulbert seconded the motion.

Ayes: Hulbert, Masica, Swenson, Hovland

Motion carried.

***RESOLUTION NO., 2005-57 SETTING AUGUST 2, AS PUBLIC HEARING FOR TRANSFER OF CONTROL OF CABLE TELEVISION FRANCHISE FROM TIME WARNER CABLE TO COMCAST** Member Hulbert introduced the following Resolution, seconded by Member Swenson and moved its adoption:

RESOLUTION NO. 2005-57
A RESOLUTION SETTING AUGUST 2, 2005
FOR HEARING DATE FOR

TRANSFER OF CONTROL OF
CABLE FRANCHISE FROM
TIME WARNER CABLE TO
COMCAST CABLE COMMUNICATIONS, LLC

BE IT RESOLVED BY THE CITY COUNCIL OF EDINA, MINNESOTA, that a public hearing shall be held on the 2nd day of August, 2005, in the Council Chambers at City Hall at 7:00 P.M. to consider the transfer of control of the cable franchise from Time Warner Cable to Comcast Cable Communications, LLC; and

BE IT FURTHER RESOLVED that the City Clerk shall give mailed and published notice of such hearing as required by law.

Adopted this 5th day of July 2005.

Motion carried on rollcall vote – four ayes.

*RESOLUTION NO. 2005-56 AUTHORIZING TEMPORARY ON-SALE DISPENSARY FOR “FALL INTO THE ARTS” FESTIVAL – SEPTEMBER 10 AND 11, 2005 Member Hulbert introduced the following Resolution, seconded by Member Swenson and moved its adoption:

RESOLUTION 2005-56
ESTABLISHING MUNICIPAL DISPENSARY
AT CENTENNIAL LAKES PARK CENTRUM
IN THE CITY OF EDINA

WHEREAS, the City of Edina, pursuant to Section 900 of the City Code, permits the establishment of municipal dispensaries of liquor within the City of Edina.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Edina hereby establishes a temporary on-sale dispensary for September 10 and September 11, 2005, only at the Centennial Lakes Park Centrum building and immediate surroundings.

BE IT FURTHER RESOLVED that on-sale shall be limited to 3.2 beer, intoxicating malt liquor and wine.

Passed and adopted this 5th day of July 2005.

Motion carried on rollcall vote – four ayes.

*CONFIRMATION OF CLAIMS PAID Member Hulbert made a motion and Member Swenson seconded the motion approving payment of the following claims as shown in detail on the Check Register dated June 22, 2005, and consisting of 30 pages: General Fund \$256,919.60; CDBG Fund \$74.00; Communications Fund \$14,191.75; Working Capital Fund \$78,988.18; Construction Fund \$140,475.45; Art Center Fund \$5,488.98; Aquatic Center Fund \$7,114.63; Golf Course Fund \$13,554.06; Ice Arena Fund \$13,623.55; Edinborough/Centennial Lakes Fund \$7,154.47; Liquor Fund \$192,599.50; Utility Fund \$211,940.11; Storm Sewer Fund \$129,567.20; Recycling Fund \$33,874.00; PSTF Agency Fund \$1,094.76; TOTAL \$1,106,660.24; and for approval of payment of claims dated June 29, 2005; and consisting of 35 pages: General Fund \$82,362.33; Communications Fund \$12,059.64; Working Capital Fund \$320,661.35; Construction Fund \$2,672.25; Art Center Fund \$8,632.19; Golf Dome Fund \$(42.90); Aquatic Center Fund \$60,537.14; Golf Course Fund \$42,665.88; Ice Arena Fund \$23,180.64; Edinborough/Centennial Lakes Fund \$16,013.09; Liquor Fund \$164,076.72; Utility Fund \$81,039.65; Storm Sewer Fund \$6,903.64; PSTF Agency Fund \$1,403.39; TOTAL \$822,165.01.

Motion carried on rollcall vote – four ayes.

COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) FOR YEAR ENDING DECEMBER 31, 2004, RECEIVED

Director Wallin introduced James Eichten, CPA, from Malloy, Montague, Karnowski, Radosevich & Company the City's Audit firm. Mr. Eichten briefly informed the Council of the unqualified opinion his firm had given the City of Edina in completing their Comprehensive Annual Financial Statement for the year ending December 31, 2004. He complimented the staff on their precise internal control policies, financial records and procedures. Mr. Eichten walked the Council through the Management Report stating that auditing standards required his firm to consider the following topics as potential areas which may need to be communicated to the appropriate committee or officials:

- Significant accounting policies
- Significant estimates
- Other information in documents containing audited financial statements
- Disagreements with management
- Consultations with other accountants
- Major issues discussed with management prior to retention as auditors
- Difficulty in performing the audit

Mr. Eichten stated that during the audit, his firm did not encounter any circumstances and they were not aware of any items in any of the areas listed above which would need discussion. He thanked the Council for the time to review his report and commended the City for obtaining an unqualified result of their 2004 CAFR.

***RESOLUTION NO. 2005-54 AUTHORIZING INVESTMENT AGREEMENT** Motion made by Member Hulbert and seconded by Member Swenson approving the following resolution:

**RESOLUTION NO. 2005-54
A RESOLUTION AUTHORIZING
INVESTMENT AGREEMENT**

BE IT RESOLVED, that Gordon Hughes and/or John Wallin who is/are Officer's of the City of Edina, is/are authorized to enter into agreements or commitments to open, maintain and close accounts with banks, brokers and other financial institutions with which it does business, and are authorized to sign on individual bank and broker accounts and such Officers are further authorized to cancel such authority, and

BE IT FURTHER RESOLVED, that John Wallin and/or Eric Roggeman is/are authorized to purchase or sell any and all securities as authorized by the City of Edina's Investment Policy (as attached), and that the Officer is authorized on behalf of the City of Edina to sign any necessary documentation: to give written or oral instructions with respect to said transactions: to obligate the City for the carrying out of any contract, agreement, or transaction; to pay by check or wire; and to take any and all such actions in the name of and on behalf of said City that would be considered desirable and necessary with respect to said transaction; and

BE IT FURTHER RESOLVED that the bank, broker or other financial institution may rely upon the actions of the Officer as the City of Edina representative that any and all securities purchased are legal and authorized investments under the City's applicable policies and/or statutory requirements. The City of Edina represents that it will provide

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these applicable policies and/or statutory requirements, and that it will notify the bank, broker or other financial institution of any changes made; and

BE IT FURTHER RESOLVED that the Clerk of the City of Edina is authorized and directed to certify, under the seal of the City of Edina, to you a true copy of these resolutions and specimen signatures of each and every person empowered by these resolutions; and

I FURTHER CERTIFY that said resolutions shall continue in full force and effect, until revoked or modified by the Edina City Council and written notice is received by the bank, broker or other financial institution, such notice setting forth a resolution adopted to effect said revocation or modification and authorizing the new signatory and/or person authorized to obligate the City of Edina securities transaction.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of the City of Edina this fifth day of July, 2005, by order of the Edina City Council.

Motion carried on rollcall vote – four ayes.

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 8:32 P.M.

City Clerk